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23
24 UNITED STATES DISTRICT COURT
25 FOR THE NORTHERN DISTRICT OF CALIFORNIA
26 SAN FRANCISCO DIVISION

27 FEDERAL TRADE COMMISSION,

28 Case No. 3:22-cv-02880-JSC

Plaintiff,

**DECLARATION OF LEIGH ANN LUCERO
IN SUPPORT OF AMENDED
ADMINISTRATIVE MOTION SEEKING *IN
CAMERA* TREATMENT OF CERTAIN
EXHIBITS PURSUANT TO CIVIL L.R. 7-11
AND 79-5**

v.

MICROSOFT CORPORATION and
ACTIVISION BLIZZARD, INC.,

Defendants.

Date: TBA
Time: TBA
Dept.: Courtroom 8—19th Floor
Judge: Honorable Jacqueline S. Corley

1 I, Leigh Ann Lucero, declare as follows:

2 1. I am Associate General Counsel of Gaming at Microsoft Corporation (“Microsoft”). I
3 submit this declaration in support of Microsoft’s Amended Administrative Motion Seeking *In Camera*
4 Treatment of Certain Exhibits Pursuant to Civil L.R. 7-11 and 79-5 (“Microsoft’s Amended
5 Administrative Motion”), in connection with exhibits appearing on the parties’ exhibit lists.

6 2. In my role, I have personal knowledge of Microsoft’s use and protection of non-public,
7 highly sensitive, and confidential business information, including the information at issue here.

8 3. I have personal knowledge of the facts set forth below, and I can and would competently
9 testify to such facts if called to do so.

10 4. As set forth in Microsoft’s Amended Administrative Motion, some of the exhibits
11 appearing on Plaintiff Federal Trade Commission’s (“FTC”) and Defendants’ exhibit lists contain non-
12 public and highly sensitive information, including, but not limited to, information reflecting confidential
13 internal business data, revenue figures and projections, business strategy and planning, assessments of
14 the competitive landscape, internal decision-making processes, strategic evaluation of forward-looking
15 opportunities, and market share analyses.

16 5. Additionally, as further set forth in Microsoft’s Amended Administrative Motion, some
17 of these exhibits contain non-public and highly sensitive information, including, but not limited to,
18 information reflecting the terms of, and negotiations regarding, confidential agreements that Microsoft
19 does not disclose to third parties.

20 6. This information could be used to injure Microsoft if made publicly available, and it
21 would cause competitive harm to Microsoft if the above information was publicly disclosed. For
22 example, disclosure of this information would give Microsoft’s competitors insight into its strategies,
23 plans, and assessments regarding potential opportunities, and those competitors may alter their strategic
24 plans or offerings if they knew Microsoft’s strategies and plans. Disclosure of this information would
25 also harm Microsoft by allowing its competitors to circumvent the time and resources expended by
26 Microsoft in developing its internal practices and strategies. Disclosure of this information would further
27 harm Microsoft’s negotiating position with its business partners.

7. Microsoft takes robust measures to maintain the confidentiality of all the above-described information, including limiting internal disclosure of some of this information to persons on a need-to-know basis, and does not disclose it publicly. All of this information was designated as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2, and/or as Confidential pursuant the Protective Order Governing Confidential Material entered on December 9, 2022 (“Administrative Protective Order”) in *In the matter of Microsoft Corp. & Activision Blizzard, Inc.* Docket No. 9412 (FTC). For these reasons, Microsoft respectfully requests that the Court order the portions of exhibits set forth in Microsoft’s Amended Administrative Motion to be sealed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 22, 2023, in Seattle, Washington.

/s/ Leigh Ann Lucero
Leigh Ann Lucero

1 **SIGNATURE ATTESTATION**

2 Pursuant to Civil Local Rule 5-1(h)(3), I attest under penalty of perjury that concurrence in the
3 filing of this document has been obtained from any other signatory to this document.

4
5 Dated: June 22, 2023

6 */s/ Beth Wilkinson*
7 Beth Wilkinson
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